

AUG 22 2007

Application No. 10/776,530  
Amendment dated August 22, 2007  
Reply to Office Action of May 22, 2007

Docket No.: 4444-0136P

**REMARKS**

Claims 1-22 remain present in this application.

The specification, abstract and claims 1-22 have been amended. Reconsideration of the application, as amended, is respectfully requested.

**Amendments to the Claims**

Claims 1, 9, 15 and 20-22 have been amended to recite an electronic apparatus with digital audio/video processing capability. In particular, the claimed audio data and visual data receiving steps set forth that the audio/video data are received from a media (audio or video) source connecting to the electronic apparatus. Support for these changes can be found in the originally filed specification including, for example, page 10, lines 27-31. Based on this disclosure in the specification, one of ordinary skill in the art will immediately appreciate that the claimed media editing method can be embodied in an electronic apparatus with digital audio/video processing capability, such as a general-purpose computer, a personal digital assistant (PDA), or a dedicated video-editing box and that the audio/video data can be received from a media source such as a digital video recorder, a digital still camera, or a digital video camera. It is therefore respectfully submitted that no new matter is present.

Claims 2, 10 and 16 have been amended to recite that the media output is rendered to an audio and/or video output devices built in or connecting to said electronic apparatus. Since the electronic apparatus mentioned above are generally known to have built-in audio/video output devices (such as the speaker and LCD display embedded in a personal PC or a PDA) or to have

Application No. 10/776,530  
Amendment dated August 22, 2007  
Reply to Office Action of May 22, 2007

Docket No.: 4444-0136P

the capability of connecting to audio and/or video output devices, it is also respectfully submitted that these changes do not have new matter.

Finally, claims 1, 9, 15 and 20-22 have also been amended to recite that the weights determined for the visual data are for indicating qualities, importance, or preference of the visual data. Support for this change can be found in the originally filed specification such as, for example, the second paragraph on page 8. Claims 9, 15 and 20-22 have been similarly amended. Again, it is respectfully submitted that these changes do not contain new matter.

Objection to the Abstract

The abstract stands objected to for an informality. In view of the foregoing amendments, it is respectfully submitted that this informality has been addressed. Reconsideration and withdrawal of any objection to the abstract are respectfully requested.

Double Patenting Rejection

Claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Application No. 10/845,218. This rejection is respectfully traversed.

It is respectfully submitted that the determining step of the instant application is different from the determining step of claim 1 of U.S. Application 10/845,218. The determining step of the present application is to determine weights for visual data. The determining step of U.S. Application 10/845,218 is to determine scores of video descriptors. Weights for visual data (which may represent properties of corresponding visual data) are do not anticipate scores of

Application No. 10/776,530  
Amendment dated August 22, 2007  
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Docket No.: 4444-0136P

video descriptors (which may represent properties of video descriptors, by plain language). Accordingly, reconsideration and withdrawal of the double patenting rejection are respectfully requested.

Rejection under 35 USC 101

Claims 1-22 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

It is respectfully submitted that the claims of the present application constitute a practical application, and are therefore directed to statutory subject matter. In particular, claims 1, 9, 15 and 20-22 are directed to receiving audio/video data from an audio/video source connected to the electronic apparatus. Furthermore, claims 2, 10 and 16 a rendering step to pass the media output to an audio/video output device built in or connecting to the electronic apparatus.

Accordingly, it is respectfully submitted that the present application yields a useful, tangible, and concrete result. Reconsideration and withdrawal of the 35 USC 101 rejection are respectfully requested.

Rejections under 35 USC 103

Claims 1-5, 7 and 9-22 stand rejected under 35 USC 103 as being unpatentable over the Applicant's Admitted Prior Art in view of Heo, U.S. Publication 2004/0138873. This rejection is respectfully traversed.

Heo is directed to a method for mixing audio streams according to accompanying mixing information. The mixing information specifies, for example, respective channel information and

Application No. 10/776,530  
Amendment dated August 22, 2007  
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Docket No.: 4444-0136P

mixing coefficient (mixing ratio of respective channel) of respective audio streams to be mixed. By this mechanism, it will be feasible for a content provider to provide first audio data and second audio data obtained from two separate channels at the same time, while adjusting the output levels to desired levels and mixing the first and second audio data. It is also possible to dynamically change the audio mixing method performed on audio content. Moreover, different types of channel components can be mixed when mixing channel components of one type of audio content with those components of another type of audio content. The cited reference Heo, however, is not connected with video data processing.

With regard to independent claim 1, the Examiner asserts that the content discussed on page 2, lines 10-18 of the originally filed specification anticipates the claimed determining step and correlating step, which corresponds to the description of the analyzer 102 in the Applicant's Admitted Prior Art. It is respectfully submitted that the analyzer 102 is configured to produce descriptors corresponding to the received audio/video data as described. To measure probability of containing a human face or a natural scene is not the same as determining the claimed weights corresponding to the video data, since the claimed weights are for indicating qualities, importance, or preference of video data. For example, the slideshow in the received video data may have a higher weighting value for its importance, and whether or not its content is a human face is not a concern. Also, the unsteady video and unclear image will get a lower weighting value for its poor quality (see page 8, lines 12-15 of the specification). It is therefore respectfully submitted that the description of the analyzer 102 in the Applicant's Admitted Prior Art does not anticipate the determining step of the present application.

Application No. 10/776,530  
Amendment dated August 22, 2007  
Reply to Office Action of May 22, 2007

Docket No.: 4444-0136P

It is also respectfully submitted that the description of the analyzer 102 in the Applicant's Admitted Prior Art cannot anticipate the correlating step of the present application. It should be clear from the description that the analyzer 102 analyzes audio and video data separately. No correlating process has been performed on audio data with video data in the Applicant's Admitted Prior Art. It is therefore respectfully submitted that the description of the analyzer 102 in the Applicant's Admitted Prior Art does not anticipate the correlating step of the present application.

The Examiner further asserts that a person of ordinary skill in the art could combine the disclosure of Heo with the Applicant's Admitted Prior Art to attain the adjusting step claimed in the present application. It is respectfully submitted that Heo is only concerned with audio stream processing and only discloses adjusting audio data (specifically, for example, the output level thereof). The disclosure of Heo is therefore unconnected with video data. It is therefore respectfully submitted that the disclosure of Heo cannot be combined with the Applicant's Admitted Prior Art to attain the adjusting step of the present application.

In view of the foregoing amendments and remarks, it is respectfully submitted that neither the Applicant's Admitted Prior Art nor Heo, either alone or in combination, anticipate the method of independent claims 1, 9 and 15, and their dependent claims. Accordingly, reconsideration and withdrawal of the 35 USC 103 rejection are respectfully requested.

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Amendment dated August 22, 2007  
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Docket No.: 4444-0136P

Allowable Subject Matter

Applicants gratefully acknowledge that the Examiner considers claims 6 and 8 to contain allowable subject matter. In view of the foregoing amendments and remarks, it is respectfully submitted that all claims should now be in condition for allowance.

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning this document are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 22, 2007

Respectfully submitted,

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